

Effective September 1, 2015.

**SEXUAL HARASSMENT PROTECTION FOR UNPAID
INTERNS**

CHAPTER 1019

H.B. No. 1151

AN ACT

relating to sexual harassment protection for unpaid interns.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 21, Labor Code, is amended by adding Section 21.1065 to read as follows:

Sec. 21.1065. SEXUAL HARASSMENT PROTECTIONS FOR UNPAID INTERNS.

(a) In this section, "sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

(1) submission to the advance, request, or conduct is made a term or condition of an individual's internship, either explicitly or implicitly;

(2) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's internship;

(3) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the individual's internship; or

(4) the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

(b) An employer commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer or the employer's agents or supervisors:

(1) know or should have known that the conduct constituting sexual harassment was occurring; and

(2) fail to take immediate and appropriate corrective action.

(c) In this section, an individual is considered to be an unpaid intern of an employer if:

(1) the individual's internship, even though it includes engagement in the employer's operations or the performance of productive work for the employer, is similar to training that would be given in an educational environment;

(2) the individual's internship experience is for the individual's benefit;

(3) the individual does not displace the employer's regular employees but works under close supervision of the employer's existing staff;

(4) the employer does not derive any immediate advantage from the individual's internship activities and on occasion the employer's operations may be impeded by those activities;

(5) the individual is not entitled to a job at the conclusion of the internship; and

(6) the individual is not entitled to wages for the time spent in the internship.

SECTION 2. The change in law made by this Act applies only to a claim of discrimination based on conduct that occurs on or after the effective date of this Act. A claim of discrimination that is based on conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on April 16, 2015: Yeas 146, Nays 0, 2 present, not voting;
passed by the Senate on May 27, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective September 1, 2015.

**APPLICABILITY TO OPEN-ENROLLMENT CHARTER
SCHOOLS OF CERTAIN LAWS REGARDING LOCAL
GOVERNMENTS AND POLITICAL SUBDIVISIONS**

CHAPTER 1020

H.B. No. 1170

AN ACT

**relating to the applicability to open-enrollment charter schools of certain laws
regarding local governments and political subdivisions.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1058 to read as follows:

Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (a) An open-enrollment charter school is considered to be:

- (1) a local government for purposes of Chapter 791, Government Code;*
- (2) a local government for purposes of Chapter 2259, Government Code, except that an open-enrollment charter school may not issue public securities as provided by Section 2259.031(b), Government Code;*
- (3) a political subdivision for purposes of Chapter 172, Local Government Code; and*
- (4) a local governmental entity for purposes of Subchapter I, Chapter 271, Local Government Code.*

(b) An open-enrollment charter school may elect to extend workers' compensation benefits to employees of the school through any method available to a political subdivision under Chapter 504, Labor Code. An open-enrollment charter school that elects to extend workers' compensation benefits as permitted under this subsection is considered to be a political subdivision for all purposes under Chapter 504, Labor Code. An open-enrollment charter school that self-insures either individually or collectively under Chapter 504, Labor Code, is considered to be an insurance carrier for purposes of Subtitle A, Title 5, Labor Code.

(c) Notwithstanding Subsection (a) or (b), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) is not considered to be a political subdivision, local government, or local governmental entity unless the applicable statute specifically states that the statute applies to an open-enrollment charter school.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 8, 2015: Yeas 138, Nays 1, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1170 on May 29, 2015: Yeas 140, Nays 2, 2 present, not voting; passed by the Senate, with amendments, on May 27, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective June 19, 2015.